

**REMARKS/ARGUMENTS**

Claims 58-62 stand in the present application, claim 58 having been amended.

Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 58-62 under 35 U.S.C. § 102(e) as being anticipated by Manabe et al. In view of the above-described claim amendments, Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

Independent claim 58 has been amended to more clearly recite that the second electrode is provided on a portion of the first electrode. This structure is consistent with the present specification as shown in Figure 4 wherein the second electrode 32 is provided on the p-layer 13 as well as on a portion of the first electrode 15. Thus, by defining the second electrode as being provided on a portion of the first electrode as in the amended independent claim 58, it is now clear that the second electrode is smaller in size than the first electrode and the second electrode is exposed.

Accordingly, as stated previously in the July 29, 2004 Amendment, claim 58 now explicitly recites a light transmitting first electrode and a second electrode for bonding. The light-transmitting first electrode is provided over a surface of the p-type semiconductor layer. Thus the emitted light can be conducted from the bonding side of the device. With this recited structure, peeling off the electrode during bonding can be effectively prevented. Further, since the second electrode is provided for bonding, the second electrode is formed on a small area on the first electrode. In other words, the second electrode constitutes a bonding pad.

On the other hand, Manabe et al. does not disclose the structural arrangement now recited in claim 58, it instead discloses a light emitting diode having an electrode 7 of aluminum on a p-type impurity doped GaN layer 5. The aluminum electrode 7 is formed on an underlying nickel layer 13 and covers the nickel layer 13 entirely. The aluminum electrode 7 does not constitute a bonding pad.

In view of the above, Applicants respectfully submit that the present invention is not taught or suggested by Manabe et al. Accordingly, claim 58 and its dependent claims 59-62 are believed to patentably define over the cited reference.

In addition, the Examiner has indicated that he has not considered a number of the references previously filed with a PTO-1449 form. No reason has been given by the Examiner as to why the references have not been considered. Second copies of the following references together with a PTO-1449 form are herewith submitted for the Examiner's convenience.

1. JP 62-2675 (Jan. 1987) (see Opposition Proceeding)
2. TW 83103775 (April 1994) (see Opposition Proceeding)
3. KR 10-0225612 (7/20/1999)
4. AKASAKI et al., "MOVPE Growth of GaN and  $\text{Al}_x\text{Ga}_{1-x}\text{N}$  and Their Luminescence and Electrical Properties," Memoirs of the Faculty of Engineering, Nagoya Univ., Vol. 43, No. 2 (1991)
5. Williams Modern GaAs Processing Method (1990), p. 219
6. Database WPI, Week 9444, Derwent Publications Ltd., London, Nichia Kagaku Kogyo KK (see Abstract)
7. JP6275868 (09/30/1994) (see Abstract)

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It should be noted that Japanese reference 62-2675 and Taiwanese reference 83103775 are discussed in an Opposition Proceeding, a copy of which is again provided. If the Examiner does not believe that the Opposition Proceeding provides an explanation as to the relevancy of these references, then Applicants request that the Opposition Proceeding and the references merely be made of record in the case. Finally, Korean reference 10-0225612 was previously provided together with an Abstract. Accordingly, it is not understood why this reference has not been considered by the Examiner.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 58-62, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

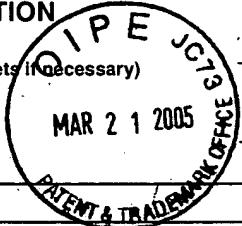
By:

  
Chris Comuntzis  
Reg. No. 31,097

CC:lmr  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)



Atty. Docket No.	Serial No.
<b>160-386</b>	<b>10/609,410</b>
<b>Applicant</b>	
<b>NAKAMURA et al.</b>	
Filing Date	TC/A.U.
<b>July 1, 2003</b>	<b>2825</b>

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

## **TRANSLATION**

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

	AKASAKI et al., "MOVPE Growth of GaN and Al <sub>x</sub> Ga <sub>1-x</sub> N and Their Luminescence and Electrical Properties," Memoirs of the Faculty of Engineering, Nagoya Univ., Vol. 43, No. 2 (1991)
	Williams Modern GaAs Processing Method (1990), p. 219
	Database WPI, Week 9444, Derwent Publications Ltd., London, Nichia Kagaku Kogyo KK (see Abstract)
	JP 6275868 (09/30/1994) (see Abstract)
	Written Opposition dated January 15, 2001, p. 1-3
	Written Opposition dated January 19, 2001, pp. 1-5

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### Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.